

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3, 11, 18, 20, and 22 are presently active. Claims 2, 4-10, 12-17, 19, 21, and 23-39 are withdrawn. Claims 1, 13-15, 18, and 24-25 have been presently amended.

In the outstanding Office Action, Claims 1, 3, 18, and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hasegawa et al (U.S. Pat. No. 5,556,500). Claims 1 and 3 were rejected under 35 U.S.C. § 102(b) as being anticipated by Burnham et al (U.S. Pat. No. 5,947,053). Claims 18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wicker et al (U.S. Pat. No. 6,464,843) in view of Burnham et al. Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Burnham et al in view of Madzsar (U.S. Pat. No. 5,187,542). Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wicker et al and Burnham et al in view of Madzsar.

Firstly, Applicants acknowledge with appreciation the courtesy of Examiner Arancibia and Supervisory Patent Examiner Hassanzadeh to interview this case on February 15, 2006, the substance of which is summarized herebelow.¹

During the interview, Applicants' representatives discussed how the process in Hasegawa et al is not configured to alter the chemical process, and that the inner part 104 and outer part 106 are separate components as seen in Figure 1 of Hasegawa et al. While the examiners were not persuaded that the gas etching of 106 (identified in the Office Action as an active component) did not alter the chemical process, the examiners recognized that the components 104 and 106 in Hasegawa et al were separate parts, in contrast to that presently defined in which the active component is included as part of the passive component, as shown for example in Applicants' Figures 6A and 6B.

¹ Applicants' representatives Ronald Rudder and Mitsuo Mizukami met with the examiners, as indicated on the Interview Summary Sheet.

Likewise, Applicants' representatives discussed how layer 33 in Burnham et al (identified in the Office Action as an active component) is not included as part of layer 31 (identified in the Office Action as a passive component).

Finally, applied art reference Madzsar was discussed for its teaching of a spectroscopic wear detector in a combustion process. As noted during the interview, Madzsar is art from a different field of classification unrelated to the presently defined semiconductor plasma process. Hence, Madzsar is non-analogous art of which one of ordinary skill in the art in plasma processing would not be motivated to use due the vast differences in operating environments and conditions between a combustion process and a semiconductor manufacturing process. Further, as noted during the interview, there is no teaching in Madzsar that atoms 10 upon release into the combustion flame in any way is configured to affect the chemical combustion. Therefore, one of ordinary skill in the art would not be motivated based on the teachings of Madzsar to modify the system taught by the combination of Wicker et al and Burnham et al to have the active component included as part of the passive component.

Examiner Hassanzadeh seemed to concur that Madzsar was non-analogous art, although no agreement was reached on this point.

Accordingly, Applicants respectfully point out that, In re GPAC Inc., 57 F.3d 1573, 35 USPQ2d 1116 (Fed. Cir. 1995) notes the following:

To support a finding that these twelve references are within the scope of the relevant prior art, we must therefore determine that they are analogous art that is "reasonably pertinent to the particular problem with which the inventor was involved." A reference is reasonably pertinent if, even though it may be in a different field of endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem. If a reference disclosure relates to the same problem as that addressed by the claimed invention, "that fact supports use of that reference in an obviousness rejection. An inventor may well have been motivated to consider the reference when making his invention.


In the present case, Madzsar and the inventors were addressing different problems in disparate fields. Moreover, the inventors' attention in considering his problem of affecting chemistry in a semiconductor manufacturing plasma process would not have logically commended his attention to Madzsar's combustion sensor teaching.

Hence, it is respectfully submitted that independent Claims 1 and 18 (and the claims dependent therefrom) patentably define over the cited art of record. Accordingly, it is requested that Claims 2, 4-10, 12-17, 19, 21, and 23-26 (which depend from either Claim 1 or Claim 18) be rejoined and allowed.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Steven P. Weihrouck
Attorney of Record
Registration No. 32,829

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Ronald A. Rudder, Ph.D.
Registration No. 45,618